

REMARKS

Claim 3 has been amended to include the features recited in now-canceled claim 17. More particularly, the independent claim now specifies that the high-silica zeolite in the adsorbent structure has a BET specific surface area after a heat treatment of 1,100°C of at least 30 m<sup>2</sup>/g.

The rejections of claims 3, 5, 6, 12 and 14 over (1) Hei 247 in view of Eberly, Jr. et al. '448 and (2) Hei '247 in view of Inoue et al. '236 are moot in view of the amendment to claim 3.

The withdrawal of claim 19 from consideration is noted.

The rejection of claims 15 and 16 under 35 USC 103 as unpatentable over Hei '247 in view of Eberly, Jr. et al. '488 is moot in view of the incorporation of the features of claim 17 into claim 3, from which claims 15 and 16 depend.

The rejection of claims 15 and 16 under 35 USC 103 as unpatentable over Hei '247 in view of Inoue et al. '236 is also moot in view of the incorporation of the features of claim 17 into claim 3; see the paragraph above.

The rejection of claims 17 and 18 under 35 USC 103 as unpatentable over Hei '247 in view of Eberly, Jr. et al. '248 or

Serial No. 08/857,585

Inoue et al. '236 further in view of Swaroop et al. '694 is respectfully traversed.

It is asserted that the references other than Swaroop et al. '694 show all of the features of the claims but for a BET surface area within the claimed range; Swaroop et al. '694 is cited to show such values. The Examiner asserts that it would have been obvious to make such a combination because Swaroop et al. '694 "illustrates that such BET surface areas are effective for exhaust gas treatment." The Examiner is referred to applicants' statements' statements on page 4 of the Preliminary Amendment filed August 26, 2002 regarding why Eberly, Jr. et al. '488 has no proper application to claims reciting alkali metal controls in a zeolite.

Applicants respectfully submit that the evidence of record establishes patentability of the claimed subject matter. In support thereof, enclosed is a Declaration Under 37 CFR 1.132 of Naomi Noda commenting on the results of experimental values in the specification. Ms. Noda, a person of notable skill in the art, declares that a zeolite with a Si/Al/molar ratio of at least 48 gives a zeolite which then shows a good retention of BET specific surface area even at an elevated temperature such as 1,000°C or

Serial No. 08/857,585

more provided the zeolite alkali content is 0.1 wt.% or less. Ms. Noda also states that the property is considered to be a quite useful one because an exhaust gas often reaches a temperature of at least 1,000°C under unfavorable driving conditions. The rejection should be withdrawn.

The rejection of claims 3, 5, 6, 12, and 14 under the judicially-created doctrine of obviousness-type double patenting as unpatentable over claims 1 and 2 of commonly owned U.S. Patent No. 5,164,350 is noted. This rejection is moot in view of the incorporation of a feature from a claim not so rejected (claim 17) into claim 3.

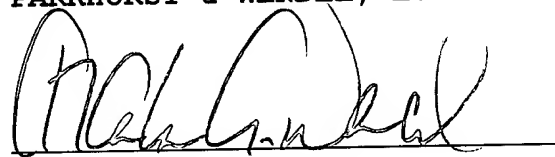
In view of the foregoing revisions and remarks, it is respectfully submitted that claims 3, 5, 6, 12, 14 to 16, and 18 are in condition for allowance and a USPTO paper to those ends is earnestly solicited.

Serial No. 08/857,585

If the only barrier to allowance is the presence of withdrawn claim 19, the Examiner is authorized to cancel that claim for that express purpose.

Respectfully submitted,

PARKHURST & WENDEL, L.L.P.



Charles A. Wendel

Registration No. 24,453

April 2, 2003

Date

CAW/ch

Enclosure:

Declaration Under 37 CFR 1.132

Attorney Docket No.: WATK:040E

PARKHURST & WENDEL, L.L.P.  
1421 Prince Street, Suite 210  
Alexandria, Virginia 22314-2805  
Telephone: (703) 739-0220

Serial No. 08/857,585

Atty. Docket No.: WATK:040E

Version with Markings to Show Changes Made

3. (Six Times Amended) An adsorbent structure comprising:  
a honeycomb structure having a periphery and two ends,  
including a plurality of passages that are defined by partition  
walls and extend in an axial direction between the ends; and  
a composition including (a) high-silica zeolite having a  
Si/Al atomic ratio of not less than 40 and an alkali metal  
content of 0.1% by weight or less and (b) a heat-resistant oxide  
other than zeolite, wherein said high-silica zeolite in said  
adsorbent structure has a BET specific surface area after a heat  
treatment of 1,100°C of at least 30 m<sup>2</sup>/g, said heat-resistant  
oxide is loaded with a noble metal, and said composition is  
coated on the partition walls.